

EXHIBIT “A”

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KENNETH T. VAIL,	:	
	:	No. 02-CV-2933
Plaintiff	:	
	:	
v.	:	
	:	
HARLEYSVILLE GROUP, INC.,	:	
	:	JURY TRIAL DEMANDED
Defendant	:	Electronically Filed

DEFENDANT'S SCHEDULE OF TRIAL EXHIBITS

<u>Exhibit</u>	<u>Description</u>
1.	Defendant Harleysville Group, Inc.'s offer letter to Ken Vail dated March 8, 2000
2.	Acknowledgement dated March 27, 2000 stating that Kenneth T. Vail's position requires travel
3.	Loss Control Regional Manager Job Description
4.	Loss Control/Premium Audit Organizational Chart
5.	Loss Control/Premium Audit 2000 Organization Chart
6.	March 17, 2000 e-mail from Gary Weinstein to Ken Vail regarding "welcome" to Harleysville
7.	May 1, 2000 e-mail from Gary Weinstein to Kenneth Vail and May 2, 2000 e-mail from Kenneth Vail to Gary Weinstein and Craig Campbell regarding vendor work logout
8.	May 16, 2000 memorandum from Ken Vail to Mid-Atlantic Loss Control staff (carbon copy to Gary Weinstein) regarding Key Performance Measures and Results
9.	June 12, 2000 e-mail from Kenneth Vail to Gary Weinstein regarding Vail's injury on June 2, 2000

10. June 13, 2000 e-mail from Gary Weinstein to Kenneth Vail regarding performance appraisals
11. June 13, 2000 e-mail from Skip Gochenour to Gary Weinstein regarding Kenneth Vail's injury on June 2, 2000 and June 13, 2000 e-mail from Skip Gochenour to Kenneth Vail regarding same
12. June 14, 2000 e-mails between Kenneth Vail and Gary Weinstein regarding Kenneth Vail's medical assessment on June 21, 2000
13. June 19, 2000 e-mail from Kenneth Vail to staff members regarding his return to work
14. June 21, 2000 e-mail from Gary Weinstein to Kenneth Vail regarding vendor reports
15. June 22, 2000 e-mail from Kenneth Vail to Gary Weinstein and Alice Geckeler regarding Kenneth Vail's medical progress update and June 22, 2000 e-mails between Alice Geckeler and Jenny Hill-Ludwig regarding same (Harleysville)
16. June 22, 2000 e-mail from Kenneth Vail to Gary Weinstein and Alice Geckeler regarding Kenneth Vail's medical progress update
17. June 26, 2000 e-mail from Kenneth Vail to Jenny Hill-Ludwig (carbon copy to Alice Geckeler and Gary Weinstein) regarding disability record form
18. June 26, 2000 and June 27, 2000 e-mails between Gary Weinstein and Carly Jespersen regarding Kenneth Vail's absence
19. June 26, 2000 e-mail from Kenneth Vail to Jenny Hill-Ludwig (carbon copy to Alice Geckeler and Gary Weinstein) regarding Kenneth Vail's disability record form
20. June 26, 2000 and June 27, 2000 e-mails between Kenneth Vail and Jenny Hill-Ludwig (carbon copy to Alice Geckeler and Gary Weinstein) regarding Kenneth Vail's disability record form
21. June 26, 2000, July 7, 2000, July 9, 2000 and July 10, 2000 e-mails between Kenneth Vail, Gary Weinstein, Jenny Hill-Ludwig and Alice Geckeler regarding Kenneth Vail's disability form
22. June 27, 2000 e-mail from Kenneth Vail to Jenny Hill-Ludwig regarding disability record form
23. June 28, 2000 e-mail from Gary Weinstein to Kenneth Vail regarding vendor report transmittal

24. July 6, 2000, July 8, 2000 and July 10, 2000 e-mails between Gary Weinstein and Rene Cameron regarding payroll coding of Kenneth Vail's temporary absence
25. July 10, 2000 e-mail from Gary Weinstein to Kenneth Vail and John Strouse regarding performance appraisals
26. July 11, 2000 e-mail from Kenneth Vail to his staff members regarding Due Dates and Assignments – Update
27. July 12, 2000 and July 13, 2000 e-mails between Kenneth Vail and Jenny Hill-Ludwig regarding Kenneth Vail's disability form
28. July 15, 2000 e-mail from Gary Weinstein to Kenneth Vail regarding project update
29. July 14, 2000 and July 15, 2000 e-mails between Gary Weinstein and Kenneth Vail regarding project update and July 15, 2000 e-mail to Alice Geckeler from Gary Weinstein
30. July 18, 2000 e-mail from Gary Weinstein to Kenneth Vail regarding vendor requests
31. July 19, 2000 and July 20, 2000 e-mails between Kenneth Vail, Gary Weinstein and Carly Jespersen regarding Carly Jespersen's resignation
32. July 20, 2000 e-mail from Kenneth Vail to Gary Weinstein regarding Kenneth Vail's injury and performance
33. July 20, 2000 e-mails between Kenneth Vail and Gary Weinstein regarding Kenneth Vail's injury and performance, and Gary Weinstein's July 20, 2000 e-mail to Alice Geckeler
34. July 20, 2000 e-mails between Gary Weinstein and Kenneth Vail regarding Kenneth Vail's injury and performance
35. July 20, 2000 e-mails between Kenneth Vail and Gary Weinstein regarding Kenneth Vail's injury and performance and Gary Weinstein's July 20, 2000 e-mail to Alice Geckeler asking for advice
36. July 20, 2000 memorandum from Ken Vail to John Diehl regarding file reviews
37. July 26, 2000 e-mail from Alice Geckeler to Harleysville employees regarding Carly Jespersen's resignation
38. July 26, 2000 e-mail from Kenneth Vail to staff members regarding Products – Completed Operations

39. July 26, 2000 e-mail from Gary Weinstein to Kenneth Vail regarding Priorities
40. August 3, 2000 e-mails between Alice Geckeler and Gary Weinstein regarding options with Kenneth Vail
41. August 4, 2000 e-mails between Gary Weinstein and Kenneth Vail regarding Kenneth Vail's August 9, 2000 doctor's visit
42. August 6, 2000 e-mail from Gary Weinstein to Kenneth Vail, John Strouse and Dennis Putthoff (carbon copy to Craig Campbell) regarding performance standards/objective for Loss Control Regional Managers
43. August 10, 2000 from Kenneth Vail to Gary Weinstein regarding Kenneth Vail's return to the office on August 21, 2000
44. August 11, 2000 e-mail from Gary Weinstein to Loss Control staff regarding Loss Control reporting, time service and production
45. August 15, 2000 e-mail from Kenneth Vail to tirno@Langerpa.com regarding Open/Overdue Requests
46. August 1, 2000 and August 15, 2000 e-mails between Kenneth Vail, Clare Donnelly and Gary Weinstein regarding inspections
47. August 1, 2000 and August 15, 2000 emails between Gary Weinstein, Clare Donnelly and Kenneth Vail regarding inspections
48. August 15, 2000 and August 16, 2000 emails between Kenneth Vail, Gary Weinstein and Clare Donnelly regarding inspections
49. Alice Geckeler's notes from the August 2000 meeting with Kenneth Vail's staff members
50. September 6, 2000 emails between Kenneth Vail and Luanne Arcaro regarding Kenneth Vail's return to work
51. September 7, 2000 email from Gary Weinstein to Harleysville staff regarding Kenneth Vail's leaving Harleysville
52. September 8, 2000 memorandum from Kenneth Vail to Gary Weinstein regarding returning property to Harleysville
53. September 10, 2000 email from Kenneth Vail to staff members wishing them good luck and best wishes
54. May 11, 2001 emails between Kenneth Vail and Scott Smith of Chub regarding Loss Control opportunities

55. June 22, 2000 letter to Kenneth Vail from Jenny Hill Ludwig regarding "disability paperwork"
56. Family and Medical Leave Act paperwork dated June 22, 2000
57. Return To Work From Disability Form
58. Employee Illness Report containing a note from Jenny Hill-Ludwig dated June 15, 2000 regarding Kenneth Vail's ineligibility for FMLA
59. June 26, 2000 letter from Kenneth Vail to Dr. J. Spence Reid enclosing Disability Record Form.
60. Disability Record dated June 22, 2000
61. Disability Record dated June 22, 2000 (completed)
62. August 25, 2000 letter from Kenneth Vail to Dr. J. Spence Reid regarding Supplementary Disability Record Form
63. Supplementary Disability Record dated August 9, 2000
64. Disability Summary Sheet for Kenneth Vail
65. Supplementary Disability Record dated September 6, 2000
66. Facsimile transmittal sheet containing return-to-work note for Kenneth Vail dated August 3, 2000, received by Harleysville from Kenneth Vail on September 6, 2000
67. Facsimile transmittal sheet to Luanne Arcaro containing notes dated September 6, 2000 regarding Kenneth Vail's initially incomplete return-to-work form that his doctor's office staff had completed in error
68. Supplementary Disability Record dated November 1, 2000
69. Return-to-work note for Kenneth Vail dated August 9, 2000 stating that Kenneth Vail may return to work on August 21, 2000 and may not carry any objects greater than 30 pounds until further notice
70. Return-to-work note dated August 3, 2000 stating that Kenneth Vail may return to work on August 21, 2000
71. Salary Continuation and Long-Term Disability Programs paperwork
72. Loss Control Administrative Assistant Position Description draft as of May 2, 2000

73. The Harleysville Insurance Company's Employee Manual, including Supervisor Supplements
74. September 7, 2000 letter to Kenneth Vail from Alice Geckeler regarding termination of Kenneth Vail's employment
75. Release and Severance Agreement for Ken Vail (not executed)
76. Harleysville Insurance Company's Home Office Employee Listing as of September 6, 2000
77. Unemployment Compensation paperwork for Kenneth Vail
78. September 26, 2000 letter from Donald P. Russo to Catherine B. Strauss regarding Kenneth Vail
79. October 6, 2000 letter to Donald P. Russo from Donna M. Dever regarding Kenneth Vail, enclosing Kenneth Vail's personnel file
80. October 20, 2000 letter from Donald P. Russo to Donna M. Dever regarding Kenneth Vail
81. October 25, 2000 letter to Donald P. Russo from Donna M. Dever regarding Kenneth Vail, enclosing documents regarding Kenneth Vail's performance
82. Kenneth Vail's Charge of Discrimination filed with the Equal Employment Opportunity Commission ("EEOC")
83. EEOC Notice of Charge of Discrimination
84. EEOC Dismissal and Notice of Rights
85. Pennsylvania Human Relations Commission Closure of Investigation Notice and Notice of Complainant's Rights
86. June 25, 2001 letter from Evangeline Draper Hawthorne, EEOC investigator, to Kenneth Vail regarding his Charge
87. July 2, 2001 letter from Donald P. Russo to Stanford Lamb, EEOC investigator, regarding Kenneth Vail's Charge, forwarding letter from Kenneth Vail
88. Kenneth Vail's Charge Information Questionnaire
89. Kenneth Vail's ADA Intake Questionnaire
90. Kenneth Vail's Performance-Related Discipline Questionnaire
91. Kenneth Vail's Involuntary Lay-off Questionnaire

92. Kenneth Vail's Witness Questionnaire
93. Kenneth Vail's Remedy Information
94. Harleysville's Response to EEOC Request for Information with Attachments
95. Harleysville's EEOC Position Statement with Attachments
96. May 7, 2001 letter from Donna Dever to Alfred L. Harris enclosing signed Statement of Alice Geckeler
97. Statement of Alice Geckeler
98. May 31, 2001 letter from Evangeline Draper Hawthorne, EEOC Investigator, to Donna Dever
99. June 18, 2001 letter from Donna Dever to Evangeline Draper Hawthorne
100. July 9, 2001 letter from Evangeline Draper Hawthorne, EEOC Investigator, to Donna Dever regarding additional information needed
101. July 20, 2001 letter from Donna Dever to Evangeline Draper Hawthorne regarding additional information
102. Loss Control Regional Manager Mid-Atlantic Region Job Posting dated October 29, 2000
103. Loss Control Regional Manager Mid-Atlantic Region Job Posting (undated)
104. Complaint filed by Kenneth and Pamela Vail against Peter T. Gill
105. General Release of Claims in Vail v. Gill litigation
106. Kenneth Vail's resume
107. January 10, 2002 letter from Kenneth Vail to Robert P. Simmel of St. Luke's Hospital and Health Network regarding offer of employment
108. Kenneth Vail's application for employment at St. Luke's Hospital and Health Network
109. Other personnel records from St. Luke's Hospital and Health Network
110. July 26, 2001 letter to Jerry R. Knafo from J. Spence Reid, M.D. regarding Kenneth Vail
111. October 5, 2000 letter from J. Spence Reid, M.D. to Aetna U.S. Healthcare regarding Kenneth Vail

112. December 30, 2002 letter from John F. Perry, M.D. to Kenneth A. Goodman, Esquire regarding Kenneth Vail
113. Kenneth Vail's records from Penn State, Milton S. Hershey Medical Center College of Medicine dated November 1, 2000, January 10, 2001 and June 11, 2001
114. Kenneth Vail's records from Penn State, Milton S. Hershey Medical Center College of Medicine dated September 13, 2000
115. Kenneth Vail's records from Penn State, Milton S. Hershey Medical Center College of Medicine dated June 21, 2000, July 19, 2000 and August 9, 2000
116. Other records from Penn State, Milton S. Hershey Medical Center College of Medicine
117. Kenneth Vail's records from Lehigh Valley Home Care for the period June 14, 2000 to July 7, 2000 – Discharge Summary
118. Lehigh Valley Home Care record - OASIS Assessment Items for Discharge
119. Other records from Lehigh Valley Home Care
120. Discharge Summary from Muhlenberg Hospital Center
121. Progress Notes from Muhlenberg Hospital Center
122. Progress Report / Recertification / Discharge Summary form for Kenneth Vail dated October 25, 2000
123. Physical therapy prescription note signed by J. Spence Reid, M.D. dated November 1, 2000
124. Other records from Muhlenberg Hospital Center
125. Expert Report regarding Kenneth Vail's injury prepared by Mark D. Avart, D.O.
126. Curriculum Vitae of Mark D. Avart, D.O.
127. Expert Report from the Center for Economic Studies regarding Kenneth Vail prepared by Jerome M. Staller, Ph.D. and Brian P. Sullivan Ph.D.
128. Curriculum Vitae of Jerome M. Staller, Ph.D.
129. Curriculum Vitae of Brian P. Sullivan, Ph.D.
130. Kenneth Vail's 2003 Schedule # (Form 1040)

131. Kenneth Vail's 2003 W-2 from St. Luke's Hospital
132. Kenneth Vail's 2003 Misc. Income Form regarding O'Malley & Langan, P.C.
133. Kenneth Vail's 2003 Misc. Income Form regarding Costopoulos, Foster & Fields
134. Kenneth Vail's 2002 W-2 from St. Luke's Hospital
135. Kenneth Vail's 2002 Schedule C (Form 1040)
136. Kenneth Vail's 2002 Schedule C (Form 1040)
137. Kenneth Vail's Unemployment Compensation Statement, 2001
138. Kenneth Vail's Unemployment Compensation Statement, 2000
139. Kenneth Vail's 2001 Schedule C (Form 1040)
140. Kenneth Vail's 2000 W-2 from Harleysville Group, Inc. and Orion Group
141. Kenneth Vail payroll record dated April 14, 2000
142. Kenneth Vail payroll record dated April 28, 2000
143. Kenneth Vail payroll record dated May 12, 2000
144. Kenneth Vail payroll record dated May 26, 2000
145. Kenneth Vail payroll record dated June 23, 2000
146. Kenneth Vail payroll record dated July 7, 2000
147. Kenneth Vail payroll record dated July 21, 2000
148. Kenneth Vail payroll record dated August 4, 2000
149. Kenneth Vail payroll record dated August 18, 2000
150. Kenneth Vail payroll record dated September 1, 2000
151. Kenneth Vail payroll record dated September 15, 2000
152. Kenneth Vail payroll record dated September 29, 2000
153. Kenneth Vail payroll record dated November 10, 2000
154. June 16, 2000 memorandum from James Frantz to Kenneth Vail regarding Mr. Frantz' resignation

155. Kenneth Vail's handwritten notes dated March 15, 2000
156. Harleysville Personal Accident Insurance Form signed by Kenneth Vail on April 21, 2000
157. Harleysville Extra Compensation Plan Enrollment Form signed by Kenneth Vail on April 21, 2000
158. Memorandum from Janice Pietruch to Kenneth Vail regarding ECP Termination Payout Form
159. Harleysville Notice of Right to Convert Group Life Insurance Policy Card for Kenneth Vail dated September 27, 2000
160. Harleysville Employee COBRA Notice and Election Form
161. COBRA Health Insurance Enrollment and Record Card
162. AETNA/USHealthcare Enrollment/Change Request
163. Teleconference Agenda dated April 3, 2000
164. Kenneth Vail's Handwritten Notes regarding Issues
165. Richmond Meeting Notes – Ken Vail – dated April 10, 2000
166. Management Assessment Presentation Outline – Ken Vail – (Work in Progress as of July 4, 2000)
167. Loss Analysis Presentation Outline – Ken Vail – (Work in Progress as of July 4, 2000)
168. Management Assessment and Accountability – Best Practices – Large Risk – as of July 26, 2000
169. Projects Pending – Ken Vail – As of April 25, 2000
170. Projects Pending – Ken Vail – As of May 15, 2000
171. Projects Pending – Ken Vail – As of July 14, 2000
172. Other Projects Pending charts
173. Manager's Meeting – August 28, 2000 – Ken Vail
174. Mid-Atlantic Region Loss Control – Staff Meeting Agenda – Key Discussion Points – August 28, 2000

175. Other Notes and Documents prepared by Kenneth Vail
176. 2000 Loss Control Professional Development Seminar Schedule
177. May 14, 2004 letter from Donald P. Russo to counsel for Harleysville
178. Complaint filed by plaintiff Kenneth T. Vail
179. Amended complaint filed by Kenneth T. Vail
180. Answer to amended complaint filed by Harleysville Group, Inc.
181. Plaintiff's Answers to Defendant's First Set of Interrogatories
182. Plaintiff's Responses to Defendant's First Request for Production of Documents
183. Defendant Harleysville Group, Inc.'s Response to Plaintiff's First Set of Request for Production of Documents
184. Defendant Harleysville Group, Inc.'s Response to Plaintiff's First Set of Interrogatories
185. Defendant Harleysville Group, Inc.'s Response to Plaintiff's First Set of Requests for Admission
185. – 195. Reserved for demonstrative exhibits (if any, yet to be determined)

*Harleysville reserves the right to introduce any exhibits listed by Plaintiff in his Exhibit List.

Respectfully submitted by:

BLANK ROME LLP

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Dated: August 30, 2004